

HOUSE BILL NO. 168

INTRODUCED BY CALLAHAN

BY REQUEST OF THE PUBLIC SERVICE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A PERFORMANCE ASSURANCE STATE SPECIAL REVENUE ACCOUNT FOR PAYMENTS MADE BY TELECOMMUNICATIONS CARRIERS SUBJECT TO A PERFORMANCE ASSURANCE PLAN; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Performance assurance state special revenue account -- statutory appropriation.** (1) There is a performance assurance state special revenue account in the state special revenue fund. The account must be used for the deposit of payments to the state made by a telecommunications carrier pursuant to the terms of a performance assurance plan.

(2) Money in the performance assurance state special revenue account is statutorily appropriated, as provided in 17-7-502, and may be expended by the commission in carrying out its responsibilities to administer, audit, and oversee the performance assurance plan, PURSUANT TO THE TERMS OF THE PLAN.

(3) For purposes of this section, a "performance assurance plan" means a commission-approved, self-executing remedy plan to ensure that a telecommunications carrier provides adequate wholesale service to competitors after the carrier gains entry into the interlocal access AND transport area long-distance market in its region pursuant to 47 U.S.C. 271.

**Section 2.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).



1 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory  
2 appropriation is made as provided in this section.

3 (3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105;  
4 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706;  
5 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241;  
6 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;  
7 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-306; 23-5-409; 23-5-612; 23-5-631;  
8 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703;  
9 53-24-206; [section 1]; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518;  
10 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

11 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
12 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
13 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
14 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
15 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
16 appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of  
17 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360,  
18 L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's  
19 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates  
20 July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710  
21 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December  
22 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)"

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24 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
25 integral part of Title 69, chapter 3, part 8, and the provisions of Title 69, chapter 3, part 8, apply to [section 1].

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27 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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